

A CERTIFIED TRUE COPY

NOV 18 2005

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2005 NOV 21 PM 3:24

DOCKET NO. 1657/HYTE  
CLERK

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

NOV - 2 2005

FILED  
CLERK'S OFFICE

ATTESTED TO FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-29)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 2,028 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*

Michael J. Beck  
Clerk of the Panel

05-1289

Inasmuch as no objection is pending at this time, the stay is lifted.

NOV 18 2005

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*DR*  
DEC 8 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

05 DEC 20 PH 143  
FILED RY D.C.

Fee _____
Process _____
X Dktd. _____
CtRmDep _____
Doc. No _____

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

OFFICE OF THE CLERK

LORETTA G. WHYTE  
CLERK

500 POYDRAS ST., SUITE C-151  
NEW ORLEANS, LA 70130

December 13, 2005

Robert DiTrolio, Clerk  
United States District Court  
Western District of Tennessee  
111 S. Highland  
Jackson, TN 38301

RECEIVED  
05 DEC 20 PM 1:49  
LORETTA G. WHYTE,  
CLERK, U.S. DISTRICT COURT  
WD OF TN JACKSON

In Re: MDL 1657 Vioxx Products Liability Litigation L (3)

Dear Mr. DiTrolio:

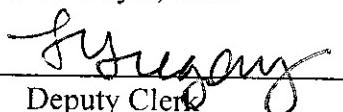
Enclosed are certified copies of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the cases listed on the attached page be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned new civil action numbers to these cases as referenced on the attached page.

**DO NOT FORWARD THE ORIGINAL RECORD.** The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

**Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.**  
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,  
Loretta G. Whyte, Clerk

By   
Deputy Clerk

Enclosures

cc: Judicial Panel on Multidistrict Litigation

<u>Your Case Nos.</u>	<u>Case Title</u>	<u>Our Case Nos.</u>
1:05-1271	Alice Partaine v. Merck & Co., Inc.	05-5902 L (3)
1:05-1277	Alline Michael v. Merck & Co., Inc.	05-5903 L (3)
1:05-1278	Olice Fields v. Merck & Co., Inc.	05-5904 L (3)
1:05-1285	Marshall Jones v. Merck & Co., Inc.	05-5905 L (3)
1:05-1288	L.Q. Nolan v. Merck & Co., Inc.	05-5906 L (3)
1:05-1289	Joel Spencer v. Merck & Co., Inc.	05-5907 L (3)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

Thomas M. Gould  
Clerk of Court

111 South Highland Ave., Room 262  
Jackson, Tennessee 38301  
731-421-9200  
731-421-9210 Fax

December 30, 2005

United States District Court  
Eastern District of Louisiana  
Office of the Clerk of Court  
500 Poydras St., Room C-151  
New Orleans, LA 70130

RE: 05-1289 -T/An      Joel Spencer vs. Merck & Co., Inc., Et al.,  
                                  MDL # 1657 / Vioxx Products Liability Litigation

Dear Clerk:

Pursuant to the Order of Transfer (CTO-29) on above referenced case, please find enclosed a certified copy of the Notice of Removal and/or Lower Court Complaint, Docket Sheet, MDL Transfer Order, and a copy of the transfer letter to the transferor court. I am enclosing an additional copy of this letter and requesting that you acknowledge receipt of these documents and return a copy to the above address. Thank you for your attention in this matter.

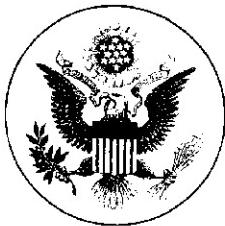
Thomas M. Gould, Clerk

BY: *C. Stend*

Deputy Clerk

ENCLOSURES

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF TENNESSEE



# Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01289 was distributed by fax, mail, or direct printing on December 30, 2005 to the parties listed.

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Kathryn E. Barnett  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP- Nashville  
One Nashville Place  
150 4th Ave., N.  
Ste. 1650  
Nashville, TN 37219--242

Honorable James Todd  
US DISTRICT COURT